the defendants, yet when they threaten to give the signal, they avail themselves of all the fear and coercion which these results call to mind. Such means, the court holds, will not be justified by the motive.

The practical result of this decision is, in some cases, to deprive organized labor of its most effectual weapon, and the question arises, how far will this be carried? If unions are deprived of these methods of securing redress for their grievances, it means that all strikes will be illegal. The court would not be willing, probably, to go to that length, and the decision is carefully limited to attempts to strengthen an organization by killing off its rivals. The majority seems to feel that there is a distinction between the final purpose of benefiting themselves individually and the preliminary purpose of better organization. They look on both as in the field of legitimate competition, but they do not think it policy to allow the union to use the same forceful means for increasing its strength as for the obtaining of higher wages. On this very question the court is divided. Chief Justice Holmes can see no reason why public policy should be more favorable to the one purpose than to the other. Considering the difficulties encountered by the court in the principal case, and the narrow technicalities on which the decision is based, it may well be doubted whether the departure of the Massachusetts court from the doctrine of *Allen* v. *Flood* is wise.

SELF-ACCUSATION AND DOUBLE JEOPARDY. — Where proceedings before a justice of the peace were due solely to the defendant's self-accusation, the resulting conviction was held, in a recent case, to be invalid, *De Bord* v. *People*, 61 Pac. Rep. 599 (Colo.). The defendant, having committed an assault, went before a justice, apparently without fraudulent intent, and swore to a complaint charging himself with the offence, whereupon the justice sentenced him to pay a fine of three dollars. Shortly afterwards the assaulted party swore out a complaint before another justice, and the defendant was brought before this second magistrate, and his plea of former conviction being overruled, he was fined five dollars. On appeal this ruling was approved.

It is difficult to see on what principle the decision can be supported. The plea of *autrefois acquit* rests on the rule that no one shall be twice put in jeopardy for the same offence. Such a plea is, therefore, invalid, where the defendant's previous conviction has been brought about by collusion with the justice, for, since such a defendant in fact controlled the proceedings, and could produce whatever result he pleased, he was never in any true jeopardy. But fraud which did not have this result ought not to vitiate a conviction. If it consisted in the defendant's bribing the accusing party, or in accusing himself with the intention of barring a subsequent prosecution, which he feared might prove more severe, he cannot be said, provided he did not collude with the justice, to have controlled the outcome of affairs. He, therefore, came into true jeopardy, that is in the danger of punishment which was not merely self-inflicted, and his conviction should be held a valid bar. The courts, however, not recognizing the true ground on which fraud may vitiate a proceeding, have confused these two classes of cases, and, whenever the point has arisen, have maintained the doctrine that fraud of any kind makes a conviction void. *State* v. *Dascom*, 111 Mass. 404.

A few courts have adopted the still less tenable rule of the principal case, that a conviction by a justice of the peace, at the plaintiff's instigation, is always void. *Bradley* v. *State*, 32 Ark. 723. Support has been found for this doctrine in an early Massachusetts case, *Commonwealth* v. *Alderman*, 4 Mass. 477. Though in the meagre report no fraud appears to have been alleged, it is highly probable that it did exist and that the unnamed case the court affected to follow was also based on the same ground. The feeling that a self-accuser must be fraudulent has doubtless also been largely responsible for this result. But fraud as above shown need not necessarily vitiate a proceeding. Moreover, it is obvious that a wrong doer, knowing himself to be liable to a fine, might in good faith confess his fault to a justice and suffer his punishment. In such a case, and such in default of any evidence to the contrary, we must assume the principal case to be, to hold the defendant's conviction void would be extreme injustice. If self-accusation gives too great an opportunity for fraudulent collusion, it should be regulated by statute. Thus, except for the authority of a few recent cases, themselves based on the uncertain authority of *Commonwealth* v. *Alderman*, *supra*, the principal case is entirely without support.

LAND BOUNDED BY AN INTENDED STREET. — An interesting question of boundaries is discussed in *Graham* v. *Stern*, 64 N. Y. Supp. 728 (Sup. Ct. App. Div., First Dept.). In 1804, the city of New York, owning certain common lands, granted to the plaintiff's predecessor in title a lot bounded on one of its sides "by a street sixty feet in breadth." This street had been designated on a map, but as a matter of fact was never opened. It was held, that the grant extended only to the side of the street, not to its centre.

The general rule is that a deed of land bounded "by" a way carries the soil of the grantor *usque ad medium filum viæ*. This rule is based on sound public policy. The strip of land is of little use to the grantor except for the purposes of extortion; while it may be of distinct value to the grantee, not only in case the way is moved or closed, but to give him the power to protect his rights as an abutter against a wrongful user of the way. These reasons apply with equal force in case of an intended way, not yet laid out, and though there is much difference of opinion, it seems better to make no distinction between existing and unopened ways. *Bissell* v. *New York Central Railroad Company*, 23 N. Y. 61. It is of course possible expressly to exclude the road from the operation of the deed, but by the better view the general rule is applied except where it would do manifest violence to the express words of the deed, or to its intent in the light of the circumstances surrounding the grant. Thus, mere mention of the side, or reference to measurements, to monuments, or to a map which would not include the way, are not sufficient to prevent its passing under the deed. *Berridge* v. *Ward*, 10 C. B., N. S. 400; *Cox* v. *Freedley*, 33 Pa. St. 124.

In the principal case the decision is based on two grounds. In the first place, by statute in 1793, the fee of all streets in New York city was transferred to the city corporation, and the legal title of all streets since opened has been held to vest at once in the city. The court, therefore, argued that the unlikelihood that the city would grant out what it would have to buy back when the street should be opened was a circumstance